

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

JENNIFER WALLIS,

Plaintiff,

vs.

**BROWNLEE CONSTRUCTION, INC., EDMOUNDS
CONSTRUCTION, INC., JASON EDMOUNDS,
Individually and d/b/a EDMOUNDS CONSTRUCTION)
INC., ADRIAN LUNSFORD, Individually and d/b/a
EDMOUNDS CONSTRUCTION, INC., JESSICA
LUNSFORD and STEVEN GLASSCOCK**

Defendants.

No. _____

NOTICE OF REMOVAL

Comes now Defendant Brownlee Construction, Inc. ("Brownlee Construction"), pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, and hereby gives notice of the removal of this action from the Chancery Court of Knox County, Tennessee, to the United States District Court for the Eastern District of Tennessee. In support of removal, Brownlee Construction states as follows:

1. On or about August 31, 2012, Plaintiff Jennifer Wallis ("Plaintiff") filed a Complaint in the Chancery Court of Knox County, Tennessee, captioned *Jennifer Wallis v. Brownlee Construction, Inc., Edmonds, Construction, Inc., Jason Edmonds, Individually and d/ba Edmonds Construction Inc., Adrian Lunsford, Individually and d/b/a, Edmonds Construction, Inc., Jessicha Lunsford and Steven Glasscock*, Docket Number 183647-1.

2. Brownlee Construction was served with a copy of the Summons and Complaint on September 14, 2012.

3. Plaintiff's Complaint in the removed action consists of allegations that Plaintiff sustained damages for alleged violations of Title VII of the Civil Rights Act of 1964, as

amended, 42 U.S.C. § 2000e, *et seq.* (“Title VII of the Civil Rights Act”), and for alleged violations of Tennessee statutory and common law.

4. 28 U.S.C. § 1331 states that “the district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.” Thus, this Court has original jurisdiction over Plaintiff’s federal law claim that Brownlee Construction violated Title VII of the Civil Rights Act.

5. Because this Court has jurisdiction over Plaintiff’s Title VII of the Civil Rights Act claim pursuant to 28 U.S.C. § 1331, removal is proper pursuant to 28 U.S.C. § 1441(c).

6. Venue is proper under 28 U.S.C. § 1441(a) because this Court is the United States District Court for the district and division corresponding to the place where Plaintiff’s state court action is pending.

7. Brownlee Construction is removing this action within thirty days after its receipt of Plaintiff’s Complaint and Summons pursuant to 28 U.S.C. § 1446(b).

8. As required by 28 U.S.C. § 1446(a), attached as **Exhibit A** is a copy of the state court file for the removed action, which consists of the Summons and the Complaint. These pleadings are the only process and pleadings served on Brownlee Construction in this action.

9. As of the date of filing, Brownlee Construction is the only defendant to have been served in the removed action. Attached as **Exhibit B** are copies of the Summons which have been returned to the Knox County Chancery Court indicating that service has not been effectuated on the other named defendants.

10. Pursuant to 28 U.S.C. § 1446(b), Brownlee Construction is filing this Notice of Removal with this Court, is serving written notice to adverse parties upon counsel for Plaintiff,

and is filing a copy of its Notice of Removal in the Chancery Court for Knox County, Tennessee, a true and accurate copy of which is attached as **Exhibit C**.

WHEREFORE, Brownlee Construction respectfully removes this action to the United States District Court for the Eastern District of Tennessee.

Respectfully submitted this 4th day of October, 2012.

Woolf, McClane, Bright,
Allen & Carpenter, PLLC

s/ J. Keith Coates, Jr.

Robert P. Noell, BPR No. 020231
J. Keith Coates, Jr., BPR No. 025839
Katherine F. Layman, BPR No. 029165
Post Office Box 900
Knoxville, Tennessee 37901-0900
(865) 215-1000

Attorneys for Defendant Brownlee Construction, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on October 4, 2012, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

s/ J. Keith Coates, Jr.

J. Keith Coates, Jr. , Esq., BPR 025839

WOOLF, McCLANE, BRIGHT,
ALLEN & CARPENTER, PLLC
Post Office Box 900
Knoxville, Tennessee 37901-0900
(865) 215-1000